**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 5184 OF 2003**

**IN**

**FIRST APPEAL NO. 1946 OF 2003**

Sandeep B. Karanje ..Appellant

versus

Sour. Archana S. Karanje & Ors. ..Respondents

Mr. S. S. Shah for the Appellant.

None for the Respondents.

**CORAM : D. G. DESHPANDE,J.**

**DATE : 27TH OCTOBER,2005**

**P.C. :**

1. Heard.

2. This application is filed by the father for getting interim custody of his son, named, Pratik, age 11 years. He had applied before the lower court for custody, that application was rejected and that order is challenged in this appeal.

3. The lower court however permitted the appellant - father custody of the child twice in a

year of 7 days each on occasions of Diwali and May Vacation. This order is dated 7.10.2003. Thereafter, the appellant moved this court for interim custody of the child during summer vacation of 2004-2005 i.e. in May 2004, that was granted to him by Justice Kakade. But according to the appellant factually the mother did not permit the child to be taken away.

4. Now this application is made by the father for getting the custody of child for Diwali vacation from 1.11.2005 to 8.11.2005 (both days inclusive). Notice was served upon the Respondent and as per the earlier noting that is the good service. Nobody is present for the Respondent. Looking to the right given to the appellant by the trial court, this application is allowed. Respondent will hand over child Pratik to the appellant - father on 1.11.2005 and the appellant - father to return the child to the mother in the morning of 9.11.2005. If on the first day the custody of the child is not given by the mother, the appellant will be given necessary assistance by the District Court, Solapur. Civil Application disposed of.

5. Certified copy expedited.

27.10.2005 (D.G. DESHPANDE, J.)